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*The Nature of Oaths and Guilt of
Perjury considered, and applied to
such as are required to take the
Oaths to the Government :*

I N A
S E R M O N

Preach'd at

Mitcham in Surrey.

By THOMAS BULLOCK, A. M.
and Vicar of *Mitcham* in Surrey.



L O N D O N,

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The Nature of Ours and Gift of
Being conferred, and applied to
such as are required to take the
Office to the Government :

IN A
SERMON



By THOMAS BULLOCK, A.M.
and Vice-Chancellor of the University of Cambridge



LONDON
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MATTHEW V. 33, 34.

Again ye have heard that it hath been said by them of old time, Thou shalt not forswear thy self; but shalt perform unto the Lord thine Oaths. But I say unto you, Swear not at all.



T has been made a question, whether the perfective duties, insisted on in this Chapter, come within the first intention of the Moral Law deliver'd to the *Jews* in the ten commandments: Or whether our blessed Lord has not enlarged the scope and design of those precepts, with some additions and improvements exceeding the first intention? Now this is certain, from several passages to be met with in this Chapter, that there was a greater latitude allowed to the *Jews* in some things than is admitted under the Gospel Dispensation; particularly in the case of divorce, of retaliating injuries, or of returning evil for evil, which we Christians are strictly forbidden. Not that these things were ever ap-

proved by God; they were a permission only to that people, by reason of the hardness of their hearts; lest too great a strictness should have rendred them the more refractory, and still more fond of the manners and customs of the heathens round about them, where greater liberties were allowed.

On the other hand, 'tis certain that their Scribes and teachers of the *Law* had corrupted the purity of it, and swerv'd from its first intention. By their interpretations and traditions they had in several instances explain'd away the force of it; as we read *Mark vii. 9. Ye reject the commandment of God, that ye may keep your own traditions.* Therefore we are told at the 20th ver. preceeding my text, *That except our righteousness shall exceed the righteousness of the Scribes and Pharisees, we shall in no case enter into the kingdom of God.*

This said, our blessed Lord goes on to ascertain the intent and meaning of several precepts, too loosely interpreted by the Casuists of those times. And among the rest he takes the third commandment under consideration; which, according to the literal interpretation of it, forbids only perjury, or the calling God to witness to a falshood. In this sense we find it recited by our blessed Lord in the text, *Ye have heard that it hath been said by (or rather to) them of old time, Thou shalt not forswear thy self, but shalt perform unto the Lord thine Oaths.* And thus far the Scribes, those bad Casuists, did this commandment justice:

justice: They allowed, that perjury in no case was lawful; that men ought not to swear by the name of God, but in truth; and that they were in the strictest manner obliged to perform, whatever engagements they had enter'd into by oath. But he found fault with them, that they allow'd the name of God to be call'd upon in their ordinary conversation; that they indulged men in the use of several other forms of swearing, such as, by heaven, by the earth, &c. and what was worse, represented them as not binding.

However, amidst these corruptions we do not find, that they ever attempted to lessen the obligation of an oath, where the name of God was called upon; they never invented any Scheme, whereby a man might swear, and not perform, and yet be free from the guilt of perjury. Tho' in many cases they had made the commandment of God of none effect by their traditions; yet the religion of an oath was preserv'd from the ill effects thereof, and was reckon'd to bind men in the strictest manner to the performance of every thing confirmed thereby. What a reproach therefore must it be to us Christians, of whom greater things are expected, who are engaged in a more perfect way of righteousness, who are required to use the utmost simplicity, truth, and faithfulness in all our conversation, not to falsify our bare word upon any occasion; should we break through the ties of oaths, or appeal to the God of truth in confirmation of a falsehood?

falsehood? A crime! which even the Scribes, those subtle expounders of the law, could neither excuse or palliate. A crime! that is treated with abhorrence, even by heathen writers, and is as contrary to the light of nature, as it is to the law of God.

It must therefore be matter of deep concern and regret, to all that have any regard to Christianity, that there should be any footsteps of such a crime found amongst Christians, that it should be so much as thought of by any of us without the utmost detestation, or that there should be any occasion to write against it, or to dissuade men from it. But I will not trouble my self or you with a recital of that, which I cannot but look upon as our greatest reproach; nor say how needful it is (at this time especially) to caution men against a crime of so black a nature. I will endeavour rather to remove the scandal by exposing the crime; and by raising in you a just sense of the heinousness thereof, to keep you from incurring the guilt of it. To this end it will be needful,

To enquire into the nature and design of *Oaths* in general; which will help us to discover more perfectly, what is *Perjury*, and what are the particular aggravations of it.

An Oath is a solemn appeal to God, as a witness of the truth of what we assert, or of our sincerity in what we promise. To God, as a being of infinite knowledge, from whose all-seeing Eye no secrets are hid: To God, the
searcher

searcher of the heart, who knows the very thoughts and intentions of it. To God, as a being of unalterable truth and faithfulness, who cannot be imposed upon himself, and will not impose upon others; who hateth a lye and the author of it, much more to be called upon as a witness to a falshood: To God, the righteous judge of all the world, who will avenge iniquity, unfaithfulness and wrong, and will by no means suffer himself to be made a party thereto, with impunity.

Nor is it only an appeal to him as a witness; but a solemn imprecation likewise to do by us according to the truth or falshood of what we say. As it is express'd in our usual forms of swearing, *So help me God*, that is, May he shew me no more favour, than there is truth in what I swear to. It is therefore upon forfeiture of his mercy, which we pray him to withdraw from us, if we falsify or go back from what we said or engaged to do. For this reason it is very properly called by *Moses*, Numb. xxx. 2. *a binding the Soul with a bond*; meaning, that we are obliged, at the hazard of all that is valuable to us, to keep close to truth in what we assert, or promise upon oath.

Such is the nature of *Oaths*. And the design thereof, or the end for which they were introduced, was to establish faith, and to promote mutual confidence betwixt man and man. That in cases of importance, where much depends upon the truth of what men assert, or upon the performance of what they engage, there

there might be the strongest imaginable obligation laid upon them, to keep them within the bounds of truth and faithfulness. The discovery of truth and the preservation of faith, are the ends intended to be serv'd thereby. That as we stand in great need of each other's information, assistance and fidelity, for want whereof unspeakable mischiefs may befall society, and the particular members of it; This, as the most effectual means hitherto discover'd by mankind, might be made use of, to prevent falsehood and unfaithfulness on the one side, to remove doubt and diffidence on the other, and to put an end to strife and contention on both sides. As the Apostle observes, *Heb. vi. 16.* *An oath for confirmation is to them an end of all strife.*

It would be happy indeed, extreamly happy for mankind; if there were so much simplicity, such a strict regard to truth amongst men, as not to need the ties of oaths to beget belief and confidence in one another. But since the world has had constant experience of a contrary disposition in many, and we cannot know the hearts of men, nor see the designs, which lie concealed therein; It has been thought expedient (and the universal practice of mankind has confirm'd the expediency of it) to oblige men by an *Oath* in affairs of moment, to deal sincerely with one another, as in the sight of God, and upon pain of his severest displeasure.

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From what has been said concerning the nature and design of *Oaths*, it will be easy to perceive how the guilt of *Perjury* may be contracted.

1st, When a man asserts upon oath what he knows to be otherwise; Or when he swears positively to a thing, of which he is ignorant; Or when he professes himself ignorant of something he is well acquainted with; Or when he expresses himself upon oath differently from his real sentiments; In all these cases, the very act of swearing is *Perjury*. And in every case, that which would be accounted a *lye*, if asserted or testified upon a man's bare word, that very assertion or testimony is *Perjury*, if confirmed by an oath. And as a thing materially true becomes a *lye*, if asserted by one that thinks otherwise, or knows himself ignorant of the truth of it: So the self-same proposition asserted upon oath, with the same circumstances, becomes *Perjury*. In short, if a man be examined upon oath about the *truth* of any proposition, or the *reality* of any fact, he must assert nothing, but what he knows and is well satisfied to be true. But if he be examined only about his own *sentiments*, *opinion*, or *judgment* of a thing; then if he declares sincerely his *opinion*, tho' he should be never so much mistaken therein, yet he is free from the guilt of *Perjury*: Because it is *true* that he *thinks* so, tho' perhaps he *thinks not truly*.

2dly, In promissory Oaths the guilt of Perjury may be contracted these ways. If a man promises or engages to do a thing, which he does not intend to perform; Or if he has sworn with a real intention to act accordingly, yet afterwards neglects it; and the opportunities of performing it; Or if he takes an oath to do what he knows to be unlawful or out of his power, he is guilty of *Perjury*.

It has been suggested, that a man cannot be guilty of perjury, who swears to do an unlawful or wicked thing; because an oath cannot oblige us to do any thing that is wicked. The reason is a true one; but the consequence drawn from it, is not a good one: For to appeal to God, as a witness to any wicked engagement, is worse, if possible, than appealing to him as a witness to a thing that is false. In the *latter* he sets the sacred name of God to a lye; in the *former*, to his villanous intention. Suppose (for instance) a person swears to murder the innocent: If his oath be contrary to his intention, there is direct perjury; if he intends to do as he has sworn, there is his villanous intention added to his wicked oath, which cannot lessen, but must aggravate his guilt.

While I am considering the nature of Perjury, and the several ways whereby the guilt thereof may be contracted; It may be proper to say something concerning the more refined ways of Perjury, by *equivocation* and *mental* refer-

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reservation; whereby some perhaps may think, that they evade the guilt of it. Now 'tis evident that, if mental reservation were admitted, the very intent and design of oaths would be entirely frustrated; there could be no dependance upon any engagement or testimony confirmed thereby. Because when a man has sworn in the strictest manner imaginable, it is uncertain, whether the reservation he made in his mind at the time of swearing be not the very reverse of what he expressed with his mouth. But it ought to be consider'd, that when men are put to their oath, they swear to what they *speake*, not to what they *think*; not that their *expressions* supplied by some secret thoughts are true, but that their *expressions* agree with their secret thoughts and *intentions*; that their *words* are intended to be true representatives of their *thoughts*, and to convey their real meaning to the hearers. And thus we find an oath, and the obligation of it explained by *Moses, Numb. xxx. 2.* *If a man swear an oath to bind his Soul with a bond, he shall not break his word, he shall do according to all that proceedeth out of his mouth.* So that his *words*, and not his *private thoughts*, are the measure of his oath; if he fails or falsifies therein, it is *Perjury*, and no secret reservation will evade it.

Nor will equivocation, and playing upon the ambiguous signification of words mend the matter. For an oath is not taken for the sake of the words, of which 'tis composed,

but for the satisfaction of the person to whom it is made. And if we know his meaning that imposes it, we must take it in that sense and no other. For should it be allowable to put what construction we please upon the words of an oath, neither the imposing, nor the taking it, could answer any good purpose; faith and confidence would both be as precarious, as if no such method had been used. It cannot be doubted but we are as much, and even more obliged to simplicity and sincerity in our oaths, than we are in our ordinary conversation. As therefore he that equivocates and studies to deceive men in his common discourse, is in effect a *lyar*; consequently he that does the same in his oath is guilty of *Perjury*. It is monstrous to conceive, that deceit and fraud should be allowed, where the most sacred and solemn means are used to prevent it. Instead therefore of evading or lessening, it rather aggravates the guilt of perjury; and (as *Cicero* observes) *binds it fast upon us*. †

† *Fraus distringit, non dissolvit perjurium. Cic. Off. Lib. 3. Cap. de fortitudine.* This remark of the Moralist is founded upon a noble instance of Roman justice just before related. *Annibal* had sent a prisoner to *Rome* to treat about an exchange; but had obliged him by oath to return, in case he should not succeed. He had not been gone far, but he return'd, as tho' he had forgot something. Coming afterwards to *Rome*, and failing of success, he purposed not to go back; imagining that by his subtilty he had evaded the obligation of his oath. Upon which the Senate decreed, that he should be bound and sent back to *Annibal* to be punished as he deserved.

And a heavy guilt it is ; than which, I know none that affects religion or civil society more ; or that can be a greater reproach to us, either as Men, or as Christians. It is a complicated crime, directly affronting God, at the same time that it abuses man. It is calling upon that holy Being, who delights in truth and faithfulness, to be a witness to our daring falshood ; and making him, as far as we are able, a party to our guilt. It is prostituting his *sacred* name to the *wilest* purpose, and using it as a more effectual cover for lying and deceit. Consider it as an *imprecation*, that he would avenge it upon us, if we swear falsely ; and then, it is a bold and impudent defiance of his majesty and justice ; daring him, as it were, to do his worst ; and an implicit declaration, that we prefer the present end, we hope to serve by our perjury, to his mercy and favour. For such is the nature of an *oath*, that we call upon him to deprive us of his favour, if we swear falsely.

There must be a strange want of thought, or of the fear of God, before a man can bring himself to treat thus desperately with his maker ; professedly to call upon him for vengeance, and to pray, that he may use him without forbearance or mercy. Would it not be a prodigious shock to any of us, to hear a man deliberately invoking the all-powerful majesty of heaven to withdraw his protection, to use his power against him, and to shower down his curses on him ? This is directly
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done by the perjured person: For the language of an *Oath* is this, "If I swear falsely, may God never help me; may he use me without compassion, and punish me without mercy." One would think there was no man, that believes there is a God, and that he has any regard to the actions of men, could admit a thought of being guilty of such a desperate piece of folly, as well as wickedness against him!

But let us further consider this sin, with regard to human society, which cannot be supported without faith and confidence between man and man. The best security that the wisdom of man could devise, in behalf of truth and faithfulness, was the religion of an *Oath*; conceiving, that if any thing could engage men to speak truth, to deal sincerely, to be punctual and just to their promises and engagements; this would, through the dread men have of the vengeance of God, *Our Ancestors* (says the fore-mentioned Author †) *thought there could be no stronger tie to secure faith, than an Oath. As appears from the laws contained in the twelve tables, the solemnities used in taking it, the recourse had thereto in confirming covenants made with*

† Nullum vinculum ad astringendam fidem jurejurando majores arctius esse voluerunt. Id indicant leges in duodecem tabulis, indicant sacra, indicant fœdera, quibus etiam cum hoste devincitur fides. Indicant notationes animadversionesque Censorum, qui nullâ de re diligentius, quàm de jurejurando judicabant. *Cic. ib.*

an enemy, and from the strictness of the Censors, who were peculiarly careful in seeing all engagements enter'd into thereby, punctually perform'd, and in punishing the neglect thereof. If therefore *this strongest tie of faith* should be torn asunder ; if men should once begin to sap this foundation, to leap over this bound, all security, trust and dependance upon one another must be entirely despaired of. And upon this foot, how miserable would be the condition of human society ! Men must live in continual jealousy and suspicion of each other ; be continually liable, by the perjury and falshood of others, to be deprived of their good name, their fortunes, and even of their lives. The stays of government, order and peace would be dissolved ; seeing no ties would be strong enough to keep men from sedition and tumults and rebellions, or to secure their fidelity either in publick or in private life. It were better certainly to live alone, or in a desert, than amongst men in whom no trust or confidence is to be placed. It is confidence, that softens life, and eases the burthens of it ; when we can trust to the information, rely upon the promises, and depend upon the fidelity of others. Should that be once destroy'd, one of the greatest comforts of life would be lost, and mankind would of all creatures be the most miserable.

One would think therefore that the principles of mere human prudence and regard
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to our present felicity in this life, without taking into the account the displeasure of an offended God, should make men extreamly cautious how they violate this sacred bond of civil society, how they trifle with their Oaths, and give others occasion to think the more lightly of them. Even the very *atheist*, that has a true notion of his own and the publick interest, must think some such tie as this, which should oblige men more strictly to truth and faithfulness in cases of importance, extreamly needful and of great advantage; and that the breach of it ought to be treated with the utmost abhorrence and detestation. But I am speaking to another sort of persons, to those who profess the belief of a God, who knows all our actions, and understands all our thoughts; who are engaged by their religion to a more than ordinary simplicity and sincerity in all their conversation, and among whom such a crime, as *this*, ought never to be heard of.

If what I have said then has had any weight with it to convince your judgments; if it has raised in you a just sense of the sacred nature of an Oath, of the heinousness of Perjury, what an affront it is to God, what an horrible abuse of his holy name, what an unspeakable scandal it is to religion, and of what sad consequence it must be to society, if it should be trifled with and grow common: I hope it will engage you at all times to have a due regard to your Oaths; never to swear, but (as
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the Prophet directs) *in truth, in judgment, and in righteousness*; and whatever engagements you enter into thereby, strictly to perform them, as persons bound by the highest obligation imaginable so to do.

I have chosen the rather to insist more particularly on this subject *now*; because I am sensible that many (who perhaps have not well considered the sacred nature of an *Oath*, and the horrible guilt of *Perjury*) may be called upon by *Oath* to give security to the *Government* of their fidelity to it.

To them, who have already taken the oaths required, I have only this to say, That 'tis of infinite concern to them to consider well the obligation they are under, to perform all true faith and obedience to his present Majesty, without any secret reserve in favour of any other person whatsoever; Not to engage in, nor to countenance, nor even to *conceal* any treasons or conspiracies, that are or shall be designed against his person or government. If the Apostle's command, to *be subject to the Powers that be, not only for wrath, but also for conscience sake*; if their Country's interest, which greatly depends upon the continuance of the present Establishment; if the preservation of their civil and religious rights, as *Freemen*, as *Protestants*, have not hitherto had a sufficient influence over them, to keep them within the due bounds of their duty to his Majesty: it is to be hoped, if they have any sense of religion left, that they will not

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break through the ties of Oaths too, and in open defiance of the vengeance of God prosecute their Country's ruin. Let them consider, That they have appealed to God, as a witness to the sincerity and truth of their promises; that they have made him a party to the engagement, and used his sacred name as a sanction thereto. Let them consider, That the faith they have promised, is upon forfeiture of his favour; that they have put their Souls in pawn for the performance of it; that they have directly called upon God to withdraw his mercy and protection from them, if they fail therein. These considerations sure must restrain a man of any thought or modesty from disturbing a government, to which he is obliged in so solemn a manner, to pay all dutiful allegiance and submission.

They therefore, who have not already taken these Oaths, but intend to take them, see beforehand what they are to undertake, and in what a solemn manner they are about to do it: It is to be hoped therefore, that they will do it seriously, and in the fear of God, and carry along with them a sincere resolution to perform every thing punctually, which by these oaths will be required of them.

To others, who perhaps may scruple the taking these oaths, I beg leave to add a few words more. For as I *would*, that with all imaginable care, they should avoid the dreadful guilt of perjury: So I *would not*, that they should be hampered and perplexed with unreason-

reasonable scruples, to the prejudice of their well-being, and comfortable subsistence in this world. Some have been misled by a false and groundless notion, That they are required to swear, That the *Pretender* was not the Son of the late King *James*, and that according to the *ordinary* course of inheritance, he had no claim to these Kingdoms. Whereas there is no such thing mentioned in the oath, or intended by it: It does not concern it self about *Title by inheritance*, but only about a *legal Title*, (which is a bar to all other Claim or Title whatsoever.) And we know, that our *laws* now in force have excluded the *Pretender* as a *Papist*, declared him *to have no Right or Title to the Crown*, and settled it upon his Majesty and his Heirs after him being *Protestants*.

If then you think, That his present Majesty has *legally* succeeded to the Crown of these Realms (and it is certain that it was settled upon him *by law*, long before he had possession of it) If you think him the Power that ought to be obey'd, and are resolv'd accordingly, to pay him all dutiful allegiance and submission: You may with the safest conscience take the Oath required, without having recourse to any artful subtilties or evasions, in a sense entirely agreeable to the *Imposers* of it. But if there are any, who think the present Government no *true* Government, but a *lawless* Usurpation; that the laws now in being are all *Nullities* and of no force, that the Alle-

giance required to his Majesty is due to the *Pretender*; I will deal sincerely with them, I will not endeavour to ensnare their consciences; but do assure them, that they cannot with any good conscience take the *Oaths* required; that it would be a gross perjury to do it, which they ought not to be guilty of for the world, much less for the saving a *part* of their *Estates*.

It is not my business to enter into a debate about *Politicks*, or to contend with some *over-wise* people about the *ancient constitution* of this Realm, or to shew how far the subjects of a *legal* and *limited* Monarchy have (from the nature of their constitution) a power to preserve their rights and privileges against a Prince, who would fain be *absolute* and subject to *no limitation*: But this I may declare to you freely, as a minister of the Gospel of Christ, That if persons in a private Station meddled *less* with *Politicks*, minded *more* the duties peculiar their Station, studied to be quiet, and to do their own business; they would deserve better of Religion, of Society, of their Families, procure more effectually the peace of their own consciences, nor would they be hamper'd and perplex'd with those difficulties, which now seem to lay them under a necessity of suffering in their fortunes, or of contracting a most grievous load of guilt.

I would not be misunderstood, as if I censured men of fortune, capacity, and a liberal education, for endeavouring to acquaint them-

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selves with the History and Constitution of their Country ; neither have I any notion, that such an enquiry, carefully pursued and sincerely managed, can give them any prejudice against the present Establishment ; or any cause to suspect its foundation, as faulty and unjustifiable. But I think such men, as have neither time nor capacities for such enquiries, are in some measure to be blamed, as well as pitied ; who forming their judgments in these things, upon principles borrowed from the libels and discourses of meddling discontented men, pretend to be wiser than the Legislature it self ; run away with notions directly prejudicial to their Country's peace ; and then complain of the measures that are taken to prevent the ill influence of such destructive principles.

I do not say this, to encourage or incline any man to act against principle. For I have said it, and must say it again, That if any one, through party zeal, and an attachment to the principles of particular men, has been misled to think, That his Allegiance is not due to his present Majesty, but to another ; he cannot (while he continues in this Error) take the Oaths without the guilt of Perjury. Nor would I have such imagine, that the inconveniences they may possibly lie under, if they do *not* take them, will be an excuse for their taking them against Conscience. This is an Excuse, which can by no means become a Christian, which even *Cicero*, an heathen Author, rejects with scorn in behalf of perjury.

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I will leave this subject on your thoughts, with this one Observation. You see what opinion the wiser part of mankind ever had of *Oaths*, and their obligation. Not only the men of *old time*, who lived *under the Law*; but even they that were *without Law* with respect to God, were yet a *Law to themselves* in this respect; neither of these would admit of perjury in any case to be lawful, nor of any subtilties or equivocations to evade the force of it. What a scandal therefore must that be to a *Christian*, which was held in such abhorrence by the very *Heathens*? A crime of that dreadful nature! that 'tis hard to imagine, how men, that pretend to any manner of principles, can endure to lie under the bare *suspicion* of it.

Next to downright irreligion and atheism, I believe nothing has contributed more thereto, than a rash use of *Oaths* in ordinary conversation. Men trifle so much with the name of God, and the religion of Oaths in their common discourse, that upon more important occasions it does not much affect them, nor raise in them that awe and regard, that is due to the sacred nature of it. Besides, it is to be feared, that persons, who are addicted to vain and rash swearing, do frequently in their idle talk and their passions, contract this guilt of perjury. For they say things, which they cannot justify; threaten things, which they never perform; and thro' their ill habit of swearing, often clap an oath thereto; and so, through
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mere wantonness or rashness, run thoughtlessly into the worst of Crimes. This seems to be one great reason, why our Blessed Lord forbids swearing entirely in common conversation. For 'tis observable, in his explanation of the commandments, that, having first recited the principal Crime forbidden thereby, he goes on to caution us against all such other acts or habits, which border thereupon or have any tendency thereto.

But if customary swearing had no tendency towards perjury; why should the sacred name of God be so lightly or so rashly used? why should that great and awful name, which ought to fill us with serious thoughts at the hearing of it, be play'd upon in our wanton mirth, and foisted (like an idle word) into every sentence. Why must God be called upon for every trifle, and appealed to, as a witness, upon the very slightest occasions, and be made a party in all our vain and empty talk, when neither the confirmation of any truth, nor the satisfaction of others require it. How can such a foolishly wicked practice be suitable to the sacred nature of an Oath, or to that awe and regard we ought to have for the divine Majesty? How ill must it become us, as Christians, who are required to use simplicity, and plainness, and sincerity in all our conversation?

For shame therefore! let us avoid such an impertinent, but pernicious vice, which has neither profit nor pleasure it. It is a degree of contempt beyond expression, to affront our
Maker

Maker for nought, and without any manner of occasion to make light of his holy name. Let us learn, as Christians, to speak truth to one another; *let our yea be yea, and our nay nay*; let our discourse proceed from an honest heart; let it be without guile and hypocrisy, and then it will need no flourish, nor asseveration to recommend it. Let us live in the fear of God, and this will make us to have a due reverence to his holy name. And if upon any important occasion you are required to give the security of an oath, let it be with that humility, caution, and regard to truth, which becomes an abject creature appealing to his *Maker, the great Searcher of hearts*, as a witness to his sincerity and veracity.

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